

the purchaser, if known to the seller, and if unknown the sale shall not be made until the purchaser shall be identified by some person who is known to the seller, and the name and address of the person so identifying the purchaser shall be recorded with the name and address of the purchaser, and the name and quantity of the poison purchased and the purpose for which same is to be used, which record shall at all times be open to the inspection of all officers charged with the enforcement of law; (b) each package or container must be marked with a label containing the name and quantity of the poison purchased and the word "Poison" printed in red ink in a conspicuous place on the label, which label shall be placed on every package and container of poison sold.

Sec. 2. The following poisons shall be included within the provisions of this Act: Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia, and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce, aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical, or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

Sec. 3. Any person who shall for himself or as the agent or employe of another person, firm or corporation in this State, sell, give or deliver to another without having complied with the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500, and in addition shall be imprisoned in the county jail for not less than 20 days nor more than six months.

Sec. 4. The short time allotted

for the passage of bills in the present session and the fact that there is now no adequate law regulating the sale of poisons, and that human life is endangered by the reckless sale of poisons, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas.

Monday, Sept. 24, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	Lattimore.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Henderson.	Westbrook.
Hopkins.	

Absent.

Alderdice.	Harley.
Bailey.	McCollum.
Caldwell.	McNealus.
Hall.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senators McCollum and McNealus were each excused for today on account of important business on motion of Senator Johnson of Hall.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Floyd:

S. B. No. 33, A bill to be entitled "An Act to repeal Chapter 204 of the general laws of Texas passed at the regular session of the Thirty-fifth Legislature, the same being an Act establishing a Junior Agricultural College east of the 96th meridian and north of the 31st parallel, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Floyd:

S. B. No. 34, A bill to be entitled "An Act to repeal Chapter 29 of the General Laws of Texas passed at the regular session of the Thirty-fifth Legislature, the same being an Act establishing the West Texas Agricultural and Mechanical College, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Floyd:

S. B. No. 35, A bill to be entitled "An Act to repeal Chapter 183 of the General Laws of Texas passed at the Regular Session of the Thirty-fifth Legislature, the same being an Act establishing the Northwest Texas Insane Asylum."

Read first time and referred to Committee on State Institutions and Departments.

By Senator Floyd:

S. B. No. 36, A bill to be entitled "An Act creating the Oakland Independent School District of Red River County; defining its boundaries, vesting it with the rights, powers and duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Messages from the House.

Hall of the House of Representatives.

Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

H. B. No. 39, A bill to be entitled "An Act to establish and incorporate the Whiteman Independent School District with certain boundaries in Haskell County, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools of same, to elect trustees therefor, to levy and collect taxes for the maintenance of said school, to issue bonds, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act to establish and incorporate the Pinkerton Independent School District with certain boundaries in Haskell County, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools of same, to elect trustees therefor, to levy and collect taxes for the maintenance of said school; to issue bonds, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

Hall of the House of Representatives.

Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 11, A bill to be entitled "An Act to regulate the business of emigrant agents, and declaring an emergency," with amendments.

S. B. No. 7, A bill to be entitled "An Act to prevent the introduction into the State of Texas of the destructive cotton pest, *Pestnophora gossypiella* Saund., hereinafter referred to as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered; creating a zone along the southern and southwestern boundary of the State from which cotton and cotton products may not be transported; providing for the inspection of fields of cotton and for the inspection and general control of cotton produced in an inspection zone; and to provide for quarantine and control of any territory within the State within which the pink boll worm may be found; providing for an appropriation, and

creating an emergency." with amendments.

H. B. No. 33, A bill to be entitled "An Act to regulate the sale of poisons, providing for marking and designating the packages or containers, and for the registration of the name and address of the purchaser, requiring that all records be kept in well bound books, separate from all other records to be designated 'Record of Poison Sales,' designating what poisons are meant, prescribing a penalty for violations of this act, and declaring an emergency."

Concurs in Senate amendments to H. B. No. 5.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives

Bills Read and Referred.

The Chair, President Pro Tem. Dean, referred after their captions had been read in the presence of the Senate, the following House Bills:

H. B. No. 40, referred to the Committee on Educational Affairs.

H. B. No. 39, referred to the Committee on Educational Affairs.

H. B. No. 33, referred to the Committee on Public Health.

Morning call concluded.

Senate Bill No. 31.

The Chair laid before the Senate on second reading:

S. B. No. 31, A bill to be entitled "An Act to amend Chapter 63, local and special laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, which chapter is an Act to amend Section 2, Chapter 75, special laws of the Regular Session of the Thirtieth Legislature, 1907, being an Act to authorize, enable and permit the territory within the boundaries of the town of Estelline in Hall County, Texas, and other lands and territory adjacent thereto to incorporate as an Independent School District for free school purposes only, etc.; the said Act to be amended so as to change the boundaries thereof leaving certain sections of land out of the said Estelline Independent School District, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 31 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.

Absent.

Hall.	Woodward.
Harley.	

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Westbrook.
Gibson.	

Absent.

Hall.	Sulter.
Harley.	Woodward.

Absent—Excused.

McCollum.	McNealus.
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House Bill No. 21.

The Chair laid before the Senate, on second reading:

H. B. No. 21, A bill to be entitled "An Act to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a more efficient road system for Newton County, Texas,' etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 21 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.

Absent.

Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Hudspeth.	

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.

Absent.

Decherd.	Westbrook.
Hall.	Woodward.
Harley.	

Absent—Excused.

McCollum.	McNealus.
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Simple Resolution No. 24.

(By unanimous consent.)

Whereas, No appropriation has been made, as has always been the custom, for compiling and proof-reading the laws passed at the Second and Third Called Sessions of the Thirty-fifth Legislature, 1917; and,

Whereas, This is necessary in order that the same may be properly published by the Secretary of State; therefore be it

Resolved by the Senate, That there is hereby appropriated out of the contingent expense fund of the Senate the sum of \$250. or so much thereof as may be necessary, for said purpose. Said above mentioned work to be under the direction of the Secretary of State, and when the same is completed voucher shall be issued by the chairman of the Contingent Expense Committee of the Senate, upon account duly approved by the Secretary of State, for the amount herein appropriated, and said amount shall be paid by the Comptroller as all other accounts are paid.

CALDWELL.

The resolution was read and adopted.

Senate Bill No. 24.

The Chair laid before the Senate, on second reading:

S. B. No. 24, A bill to be entitled "An Act making an appropriation out of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

The committee report that the bill be not printed was adopted.

On motion of Senator Caldwell, the bill was laid on the table subject to call.

Senate Bill No. 25.

The Chair laid before the Senate, on second reading:

S. B. No. 25, A bill to be entitled "An Act to make an emergency appropriation to repair the North Texas Hospital buildings for the Insane at Terrell and to construct and equip a sewage disposal plant at said hospital for the insane, and declaring an emergency."

On motion of Senator Robbins, the bill was laid on the table subject to call.

Messages from the Governor.

Here Mr. S. Raymond Brooks appeared at the bar of the Senate with several messages from the Governor.

The Chair directed the Secretary to read the messages, which were as follows:

Governor's Office,
Austin, Texas, Sept. 21, 1917.

To the Thirty-fifth Legislature in Third Called Session:

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law creating the Oakland Independent School District of Red River County.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.

To the Thirty-fifth Legislature in Third Called Session:

At the request of a number of the members, and to facilitate work already suggested by the Legislature, I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law to provide for an investigation of the various departments of the State government and to authorize the appointment of a committee to carry on such investigation while the Legislature is in session and after its adjournment, and to authorize the employment of such accountants as said committee may deem necessary to audit the books and accounts of each department, and the employment of efficiency experts to install improved methods for carrying on the State's

business and co-ordinating the various departments.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Governor's Office,
Austin, Texas, Sept. 24, 1917.

To the Thirty-fifth Legislature in Third Called Session:

The total appropriations made by the Thirty-fifth Legislature at the Regular and First Called Sessions and approved, amounted to \$15,984,710 for the fiscal year ending August 31, 1918. By levying the ad valorem tax rate of 35 cents fixed by the Automatic Tax Board, the estimated revenue, deducting the cost of collection, will amount to \$7,994,114. Adding to this sum, the estimated revenue from other sources, \$2,815,218, and the surplus on hand at the close of the last fiscal year amounting to \$2,537,646, making a total of \$13,346,978, it will be seen that the estimated expenditure of the government for the present year exceed the estimated revenues to the amount of \$2,637,732.

In the face of this condition the Legislature and all departments of the government should, in my judgment, take such steps as sound public policy and due regard for the obligations of the State will permit, to reduce these appropriations and the expenses of government. I therefore submit for your consideration the following subjects:

1. An Act to repeal or amend Chapter 183 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the Northwest Texas Insane Asylum and making an appropriation of \$400,000.

2. An Act to repeal or amend Chapter 204 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the Northeast Texas Agricultural College and making an appropriation of \$250,000.

3. An Act to repeal or amend Chapter 29 of the General Laws of the Thirty-fifth Legislature, providing for the establishment of the West Texas Agricultural and Mechanical College and making an appropriation of \$500,000.

The Northwest Texas Insane Asylum and the Northeast Texas Agricultural College have not as yet been

located. The site for the West Texas Agricultural and Mechanical College has not as yet been taken over by the board of directors of the Agricultural and Mechanical College of Texas. In my judgment, the State has not yet entered into a binding contract with interested parties or interested communities for the establishment of these institutions, and the subject therefore becomes a proper matter for legislation.

It should be taken into consideration that since these appropriations were made it has become apparent that the resources of the people will be heavily drawn upon to pay the necessary cost of war. At the same time a severe drouth has devastated a large portion of Texas, causing the burden of taxation to be more keenly felt by the citizens in these localities. While the tax rate can not now be reduced for the current year, I recommend the repeal or postponement of these appropriations, amounting to \$1,150,000, in the interest of that economy which should be especially practiced now in administering the State government.

Respectfully submitted,
W. P. HOBBY,
Acting Governor of Texas.

Senate Bill No. 28.

The Chair laid before the Senate, on second reading:

S. B. No. 28, A bill to be entitled "An Act providing for the assignment of able-bodied male persons between the ages of 19 and 50 years, inclusive, not regularly and continuously employed, to work in occupations carried on by the State, the counties of the State, the cities of the State, or by private employers, whenever, because of a state of war, the Governor determines such assignments to be necessary for the protection and welfare of the State, and finds such occupations essential for the protection and welfare of the United States and this State, and that same can not be carried on as the State shall require without resort to this Act, no person to be assigned to any work he is not physically able to do; and providing for the procedure and means for rules and regulations for carrying this Act into effect, and for compensation to persons so assigned to

work, and for penalties for non-compliance with this Act; and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was laid before the Senate, read second time and, on motion of Senator Dayton, to pass to engrossment, the same failed by the following vote:

Yea—1.

Dayton.

Nays—24.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Alderdice.	Hall.
Clark.	Harley.

Absent—Excused.

McCollum.	McNealus.
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House Bill No. 18.

The Chair laid before the Senate, on second reading:

H. B. No. 18, A bill to be entitled "An Act to amend Sections 1, 2 and 6, Chapter 4, of the Special Laws of the Regular Session of the Thirty-fifth Legislature, 1917, being an Act to create a more efficient road law for Llano County, Texas," etc.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 18 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Buchanan of Scurry.
Bee.	Caldwell.
Buchanan of Bell.	Collins.

Dayton.	Lattimore.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Henderson.	Strickland.
Hopkins.	Sulter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Alderdice.	Harley.
Clark.	Johnston of Harris.
Hall.	

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate, read third time and, on motion of Senator Woodward, was passed by the following vote:

Yeas—22.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hopkins.	Woodward.

Absent.

Alderdice.	Hall.
Clark.	Henderson.
Decherd.	Johnston of Harris.
Harley.	

Absent—Excused.

McCollum.	McNealus.
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House Bill No. 22.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 22, A bill to be entitled "An Act making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, as follows, to wit: For the salaries of special district judges, for fees and costs of sheriffs, attorneys and clerks in felony cases, for the salary of Assistant Adjutant General and the

quartermaster of the Adjutant General's Department, for the salary of the Chief Inspector of Nurseries for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the chief clerk of the Game, Fish and Oyster Commissioner's Department, for the salary of the Bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department, for the salaries and expenses for collecting fees under the Pure Food Laws, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of the porter in the Attorney General's Department, for the salary of the Commissioner of Insurance and Banking, for the salary of the Superintendent of the State Orphans' Home, for the salaries of twelve non-graduate nurses for the first year at Tuberculosis Sanitarium, for salaries of three assistants to the Inspector of Masonry and for material tests and analysis, long distance telephone, telegraph and incidentals and traveling expenses for the Department of Inspector of Masonry, and to pay miscellaneous claims, and for other purposes; prescribing certain regulations and restrictions in respect thereto; repealing parts of laws heretofore passed making appropriations for the particular items named in this bill, and declaring an emergency."

On motion of Senator Hudspeth the bill was laid on the table subject to call.

House Bill No. 27.

The Chair laid before the Senate on second reading:

H. B. No. 27, An Act creating the Ben Wheeler Independent School District of Van Zandt County.

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Sulter, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 27 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hopkins.	

Absent.

Alderdice.	Harley.
Clark.	Henderson.
Hall.	Johnston of Harris.

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate, read third time, and, on motion of Senator Suiter, was passed by the following vote:

Yeas—23

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hopkins.	

Absent.

Alderdice.	Harley.
Clark.	Henderson.
Hall.	Johnston of Harris.

Absent—Excused.

McCollum.	McNealus.
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Senate Bill No. 36.

Senator Floyd moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 36 put on its second reading.

The motion prevailed by the following vote:

Yeas—21.

Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Alderdice.	Henderson.
Clark.	Hudspeth.
Hall.	Johnston of Harris.
Harley.	Strickland.

Absent—Excused.

McCollum.	McNealus.
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The Chair laid before the Senate on second reading:

S. B. No. 36, A bill to be entitled "An Act creating the Oakland Independent School District of Red River County; defining its boundaries, vesting it with the rights, powers and duties and privileges of districts incorporated for school purposes only, under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 36 put on its third reading and final passage by the following vote:

Yeas—21

Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Alderdice.	Henderson.
Clark.	Hudspeth.
Hall.	Johnston of Harris.
Harley.	Strickland.

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate, read third time and, on motion of Senator Floyd, was passed by the following vote:

Yeas—21

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	

Absent.

Alderdice.	Hudspeth.
Clark.	Johnston of Harris.
Hall.	Strickland.
Harley.	Woodward.

Absent—Excused.

McCollum.	McNealus.
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House Bill No. 16.

The Chair laid before the Senate on second reading:

H. B. No. 16, A bill to be entitled "An Act to amend Sections 2 and 14 of the Special Road Laws of Coleman County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 16 put on its third reading and final passage by the following vote:

Yeas—21

Bailey.	Caldwell.
Bee.	Collins.
Buchanan of Bell.	Dayton.
Buchanan of Scurry.	Dean.

Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hopkins.	Suiter.
Johnson of Hall.	Westbrook.
Lattimore.	Woodward.
Page.	

Absent.

Alderdice.	Henderson.
Clark.	Hudspeth.
Hall.	Johnston of Harris.
Harley.	Strickland.

Absent—Excused.

McCollum.	McNealus.
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The bill was laid before the Senate read third time and, on motion of Senator Woodward, was passed by the following vote:

Yeas—23

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Collins.	Robbins.
Dayton.	Smith.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Clark.	Hudspeth.
Hall.	Johnston of Harris.
Harley.	Strickland.

Absent—Excused.

McCollum.	McNealus.
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Recess.

At 12 o'clock m. the Senate on motion of Senator Gibson, recessed until 3 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Dean, at 3 o'clock p. m.

At Ease.

By unanimous consent and on re-

quest of Senator Gibson the Senate stood at ease for thirty minutes.

At 3:30 o'clock the Senate was called to order and on request of Senator Smith the Chair announced that the Senate would stand at ease until 4 o'clock.

In the Senate.

(President Pro Tem. Dean in the chair.)

House Bill No. 28.

The Chair laid before the Senate on second reading:

H. B. No. 28, A bill to be entitled "An Act to create a more efficient road system for Trinity county, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 28 put on its third reading and final passage by the following vote:

Yeas—25

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hall.
Caldwell.	Hudspeth.

Absent—Excused.

McCollum. McNealus.

The bill was laid before the Senate, read third time and, on motion of Senator Strickland, was passed by the following vote:

Yeas—24

Alderdice.	Buchanan of Bell.
Bee.	Buchanan of Scurry.

Clark.	Johnson of Hall.
Collins.	Johnston of Harris.
Dayton.	Lattimore.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Bailey.	Hudspeth.
Caldwell.	Parr.
Hall.	

Absent—Excused.

McCollum. McNealus.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem.
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 32, A bill to be entitled "An Act to make an emergency appropriation to repair the North Texas Hospital buildings for the Insane at Terrell and to construct and equip a sewage disposal plant at said hospital for the insane, and declaring an emergency."

Refused to pass the following bill:

H. B. No. 23, A bill to be entitled "An Act to provide that owners of public free school land purchased from the State of Texas after January 1, 1907, and prior to January 1, 1917, on condition of settlement and residence, which land may hereafter be forfeited for non-payment of interest as now prescribed by law, provided said forfeiture was caused by reason of interest, accrued or accruing prior to the taking effect of this Act, shall have the right to repurchase not to exceed a complement of eight sections of said lands and leaving any lien and valid contractual right existing in and to the land so repurchased unimpaired; providing for the creation of a commission to revalue such land as may be desired to be repurchased under this Act; and providing that this Act become effective only as to those who are bona fide users of the land sought to be repurchased, and providing for an affidavit to be made by persons

repurchasing, if demanded, and declaring an emergency."

Copy herewith transmitted.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Bill Read and Referred.

The Chair (President Pro Tem. Dean) referred, after its caption had been read, in the presence of the Senate, the following House bill:

House Bill No. 32, referred to the Committee on Finance.

The Senate as Court of Impeachment.

On motion of Senator Lattimore, the Senate resolved itself into a Court of Impeachment.

PROCEEDINGS.

There being nothing to come before the Court at this time, Senator Clark moved that the Court recess until 10 o'clock tomorrow morning.

The motion prevailed.

In the Senate.

(President Pro Tem. Dean in the chair.)

Adjournment.

At 4:30 o'clock p. m. the Senate, on motion of Senator Lattimore, adjourned until 9:30 o'clock tomorrow morning.

APPENDIX.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 36 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed

Bills has had Senate Bill No. 31 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Special Committee Report.

Committee Room,

Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred the question of the formation of the judgment in the impeachment trial of Governor James E. Ferguson, hereby recommend that the form of judgment hereto attached be made the judgment of the Court of Impeachment.

LATTIMORE, Vice Chairman.

State of Texas vs. Jas. E. Ferguson.

Whereas, the House of Representatives of the State of Texas did, on the 24th day of August, 1917, exhibit to the Senate of the State of Texas articles of impeachment against James E. Ferguson, Governor of the State of Texas, and the said Senate, after a full hearing and an impartial trial, has by the votes of two-thirds of the members present this day determined that the said James E. Ferguson is guilty as charged in the first, second, sixth, seventh, eleventh, twelfth, fourteenth, sixteenth, seventeenth and nineteenth of said articles of impeachment.

Said articles and the votes thereon being as follows, to wit:

Article 1.

That there was paid from the funds of the Canyon City Normal School deposited with the Temple State Bank on August 23, 1915, a note of \$5,000, together with \$600 interest, due by James E. Ferguson to the First National Bank at Temple, Texas. That said amount has never been refunded to the State of Texas. That in part payment of the total due for the building of the Canyon City Normal College he used other funds, a portion of which belonged to the State, and the balance being in his hands as Governor, and deposited to his credit as Governor in the American National Bank of Austin, which acts constitute a violation of law. The vote for sustain-

ing this article being 27 for and 4 against.

Article 2.

That James E. Ferguson received from former Governor O. B. Colquitt more than \$101,000, the proceeds from insurance policies on the Canyon City Normal School. That at the time said moneys were turned over to him they were on deposit in banks bearing interest at from 4½ to 5 per cent and which remained there for approximately one year, and that he deposited the other amounts in banks in which he was interested as a stockholder, and in the American National Bank, to which he shortly afterwards became indebted. That he received direct and personal profit as a stockholder of the Temple State Bank from the deposit placed with it; thus using and misapplying State funds for his individual benefit and profit. The vote for sustaining this article being 26 for and 5 against.

Article 6.

That there was deposited by James E. Ferguson in the Temple State Bank on or about the month of January, 1917, the sum of \$60,000 belonging to the State of Texas and in the possession of the Secretary of State by virtue of his office, said amount being represented by a check of the Secretary of State, although the State Treasury was open for the purpose of receiving same. That James E. Ferguson was a stockholder in said bank, owning more than one-fourth of the stock, and that the said Temple State Bank and James E. Ferguson used said funds and received the profit and benefit, the said James E. Ferguson receiving more than one-fourth of the profits and of the benefits. The vote for sustaining this article being 24 for and 7 against.

Article 7.

That on or about May 29, 1917, James E. Ferguson accompanied T. H. Heard, president of the Temple State Bank, to the American National Bank at Austin, and the said T. H. Heard deposited to the credit of the Temple State Bank with the knowledge and consent of the said James E. Ferguson the sum of \$250,000 of the funds belonging to the State of Texas and in the possession

of the Secretary of State, said funds being represented by five checks drawn by the Secretary of State in the sum of \$50,000 each, although the State Treasury was then and there open for the purpose of receiving same. That the said James E. Ferguson owned more than one-fourth of the stock of the Temple State Bank and that said amount was used by the Temple State Bank for its own profit and benefit, more than one-fourth of which profit and benefit belonged to James E. Ferguson. The vote for sustaining this article being 26 for and 5 against.

Article 11.

That in this investigation of James E. Ferguson by the Committee of the Whole House of Representatives said James E. Ferguson testified that during the Regular Session of the Thirty-fifth Legislature and shortly thereafter he received from parties certain currency in varying amounts, the total of which was about \$156,500. That said transaction is unusual and questionable, and that the said James E. Ferguson, when questioned as to who loaned him this money, declined to answer, although the officer of the Committee of the Whole appointed to pass on the admissibility of testimony ruled that he should answer, and the Committee sustained said ruling. That he is thus not only in contempt of the House and its Committee, but he insists that he is not required to give before the Representatives of the people of Texas an accounting of said \$156,500 in currency which he received during sessions of the Legislature or shortly thereafter, and the receipt of such sums in currency, and the failure to account for same, constitutes official misconduct. The vote for sustaining this article being 27 for and 4 against.

Article 12.

That James E. Ferguson had on deposit during the year of 1916 in the American National Bank to his account as Governor certain sums of money belonging to the Adjutant General's Department of Texas aggregating more than \$3,000, said funds being the property of the State of Texas but set aside for that department. That in violation of the statutes of Texas he diverted these funds from their lawful purpose and

paid same as a portion of the amount for the construction of buildings of the Normal College located at Canyon City. The vote for sustaining this article being 27 for and 4 against.

Article 14.

That by an express provision of the Constitution and his oath of office the Governor is bound to enforce all laws of the State of Texas. The laws of Texas during the period of his administration expressly forbade State banks to lend money in excess of 30 per cent of its capital stock. This was known to the Governor, yet in violation of this provision of the law he induced the officers of the Temple State Bank to lend to him, James E. Ferguson, an amount far in excess of that authorized by law, which loans were made during the years 1916 and 1917. The vote for sustaining this article being 26 for and 5 against.

Article 16.

Section 30a of Article 16 of the Constitution of Texas provides for the Board of Regents for the University of Texas, who shall hold office for six years, their terms expiring one-third every two years. The purpose of the people of Texas in the adoption of this provision was to take the University of Texas and all other such State institutions from the control of politics, and to keep the different boards from being under the control and domination of whomever might happen to be Governor. By Articles 2639 and 2640 of the Revised Civil Statutes of 1911 the Board of Regents are given the management of the affairs of the University of Texas with the discretion to remove members of the faculty when in their judgment it is deemed best. That it is the duty of the Governor, or any private citizen, to call attention of the Board of Regents to any mismanagement or improper practices at the University or any other State institution is readily conceded. The people themselves have given to the Board of Regents by constitutional enactment, which has been confirmed by statutory law, the sole right to judge of the truth of the charges and the punishment to be inflicted against members of the faculty. The Board of Regents in their sphere are just as supreme

as the Governor is in his, each having both constitutional and statutory duties to perform, and each being answerable to the people of Texas. The Governor of Texas not only filed charges against certain members of the faculty, as he had a right to do, but after the members were exonerated by the Board of Regents he has sought to have the members of the faculty expelled from that institution because he desired it. He has thus sought to set aside the Constitution and law giving to the Board of Regents the discretion in matters of this kind and assert instead of their legal judgment his own autocratic will. The vote for sustaining this article being 22 for and 9 against.

Article 17.

Article 6027 of the Revised Civil Statutes of 1911 provides for the removal of members of the Board of Regents (among other officials) for "good and sufficient cause." The Governor has sought to remove members of the Board of Regents without such cause, has demanded resignations of others without reason, simply and only because he could not dictate to them as to how they should cast their votes in reference to matters arising before them. Such conduct was a clear violation of the law, and would serve to make inoperative the provision of the Constitution providing for six-year terms of office. The vote for sustaining this Article being 22 for and 8 against (1 present and not voting.)

Article 19.

The governor of Texas has sought to use the power of his office to control members of the Board of Regents. The Chairman of the Board of Regents had become surety on a bail bond, the case pending in Jones County, Texas. The defendant escaped and judgment was secured on the said bond in the sum of \$5000.00 against the principal and sureties, one of the sureties being Wilbur P. Allen, chairman of the Board of Regents of the University of Texas. He applied to the Governor of Texas for the remission of the judgment, which he would have had to pay and without good reason but only to influence his action as a member of the Board of

Regents, Jas. E. Ferguson as Governor remitted the forfeiture of \$5000, which except for such action of Jas. E. Ferguson, would have belonged to the people of Texas. The vote for sustaining this Article being 21 for and 10 against.

Now, therefore, it is adjudged by the Senate of the State of Texas sitting as a Court of Impeachment, at their Chamber, in the city of Austin, that the said James E. Ferguson be and he is hereby removed from the office of Governor and be disqualified to hold any office of honor, trust or profit under the State of Texas. It is further ordered that a copy of this judgment be enrolled and certified by the President Pro Tem. of this Senate as presiding officer, and the Secretary of the Senate, and that such certified copy be deposited in the office of the Secretary of State of the State of Texas, and be printed in the Senate Journal.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred question relating to the preparation of a judgment to be adopted by the Senate, and to be pronounced upon the respondent, James E. Ferguson, by the Senate sitting as a court of impeachment beg leave to differ with a majority of your said committee as to the form of judgment recommended by them. We agree with them insofar as the judgment recommends the removal of the respondent from office, but disagree with them as to so much of the judgment as seeks to pronounce upon the respondent disqualification to hold any position of honor, trust or profit under this State.

We respectfully beg leave to recommend that the words "and be disqualified to hold any office of honor, trust or profit under the State of Texas" contained in said judgment be stricken therefrom, and that the form of judgment recommended by a majority of said committee be adopted save and except the said words "and be disqualified to hold any office of honor, trust or profit

under the State of Texas" as contained in the last paragraph of said judgment.

BAILEY,
BEE,
HARLEY.

Minority of Committee.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate:

Sir: We, your Committee on Education to whom was referred

S. B. No. 36, A bill to be entitled, "An Act creating the Oakland Independent School District of Red River County; defining its boundaries, vesting it with the rights, powers, duties, and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 31, being a bill for the protection of wild turkeys, squirrels and furbearing animals in certain counties in the State of Texas, together with the amendments thereto adopted by the House,

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Caldwell, Huds-peth, Henderson, Dayton, Westbrook, Collins.

Committee Room,
Austin, Texas, Sept. 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate:

Sir: We, your Committee on Education, to whom was referred

H. B. No. 27, A bill to be entitled, "An Act creating the Ben Wheeler Independent School District in Van Zandt County, Texas, defining its metes and bounds, providing for a board of trustees therefor, vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BEE, Chairman.

Committee Room,
Austin, Texas, Sept, 24, 1917.

Hon. W. L. Dean, President Pro Tem. of the Senate:

Sir: Your Committee on Roads, Bridges and Ferries to whom was referred

S. B. No. 30, A bill to be entitled, "An Act to amend Sections 3, 12, and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature creating a 'State Highway Department' and which sections relate to the powers, duties and compensation of the State Highway Commission, to the allotment of Highway Funds in aid of road construction and to the annual fees for registration of motor vehicles and motorcycles",

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with committee amendments and that it be printed in the Journal only.

CALDWELL, Chairman.

Committee Amendment No. 1.

Amend Section one of the bill by striking out the words and figures four thousand dollars (\$4000.00) where they appear and insert in lieu thereof the words and figures "Three thousand six hundred dollars (\$3600.00).

Committee Amendment No. 2.

Amend the bill by adding Section four thereto as follows:

Section 4. The importance of the subject matter of this legislation the near approach of the end of the session and the crowded condition of the calendar create an emergency and imperative public

necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

Also amend the caption to the bill by adding at the end thereof the following: "And declaring an emergency."

Hudspeth, Clark,
Henderson.

S. B. No. 30.

A BILL To be entitled

An Act to amend Sections 3, 12 and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature, creating a "State Highway Department," and which sections relate to the powers, duties and compensation of the State Highway Commission; to the allotment of Highway Funds in aid of road construction; and to the annual fees for registration of motor vehicles and motorcycles.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3, of Chapter 190, of the Acts of the Regular Session of the Thirty-fifth Legislature, creating a "State Highway Department" be and the same is hereby amended to read as follows:

Sec. 3. The Governor, in making the appointment of Highway Commissioners, shall designate one as Chairman of the Commission. The duties of the members of the Commission shall be such as the administration of the provisions of this Act require; attendance upon all regular meetings of the Commission as provided in this Act, and such special meetings as the rules that may be adopted by the Commission for its guidance may provide, or that may be called by the Chairman of the Commission. The Commission shall formulate plans and policies for the location, construction and maintenance, in co-operation with the counties of the State, or under the direct supervision and control of the State Highway Department, of a comprehensive system of State highways and public roads, and shall perform such other duties as may be con-

ferred upon them by law. The members of the Commission shall be allowed actual and necessary expenses incurred in the performance of the duties of their said office, and shall each receive a per diem of ten (\$10) dollars for each day actually devoted to the work of the Department, the aggregate of such per diem in no case to exceed the sum of one thousand (\$1,000) dollars for each member in any one calendar year; such expense and per diem to be paid from the funds provided for by this Act. Provided, that from and after January 1, 1918, the Chairman of the State Highway Commission shall be required to devote his entire time to the duties of the Department, and shall receive as compensation therefor the sum of four thousand (\$4000) dollars per annum. Two members of the Commission shall constitute a quorum necessary to the transaction of business. Regular meetings of the Commission shall be held once each month at the State Capitol. Biennially, a report of the work of the Commission shall be submitted to the Governor and the Legislature, together with the recommendations of the Commission and the recommendation of the State Highway Engineer. Provided, that a quarterly statement shall be prepared and filed in the records of the Department, and a copy transmitted to the Governor, which shall contain an itemized statement of all moneys received and from what source, together with an itemized statement of all moneys paid out and for what purpose; and provided further that these reports shall be treated as public documents and open to public inspection.

Sec. 2. That Section 12 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature, being an Act "to create the State Highway Department" be and the same is hereby amended to read as follows:

Sec. 12. Whenever the commissioners' court of any county shall desire, and is prepared, to construct one or more miles of public roads constituting a part of the system of State highways as designated by the Department, such court may make application for an allotment of State aid from the State highway fund, and if such application is accom-

panied by plans, profiles and estimates prepared in accordance with the requirements of the State Highway Engineer, the Commission shall file such application in the order in which it is received; and when such roads shall be constructed according to specifications and under the supervision of the Highway Engineer, the Commission shall make an allotment of aid from any moneys available in the State highway fund, not to exceed one-fourth of the cost of construction; provided, such State aid may not be expended to aid in construction of more than ten miles of such road in any county during any one year, provided if any State highway shall pass through any unorganized county or other territory in which the assessed valuations do not permit of the raising of the necessary funds to assure construction of the part of such State highway, the Commission shall be authorized to construct such part of the State highway from any moneys in the State highway funds available for such purposes.

In counties in which the assessed valuation of property, in the judgment of the Commission, does not warrant the construction of sections of the system of State highways necessary to provide the State with trunk roads, or to connect market centers of the State as provided in this Act, the Commission may, in its discretion, increase such allotment of State aid not to exceed one-half of the cost of constructing not more than ten miles of such part of the system of State highways in each of such counties in one year. All parts of the system of the State highways that may be constructed with State aid, as provided in this Section, shall be maintained at the expense of the county in which such part of the highway is located, in accordance with plans approved by the State Highway Department, and failure to maintain such sections of State highway, shall forfeit any further State aid until such maintenance work shall have been done.

Sec. 3. That Section 16, of Chapter 190, of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the establishment of a State Highway Department, be and the same is hereby

amended to hereafter read as follows:

Sec. 16. In order to provide funds to effectuate the provisions of this Act, on and after the first day of July, 1917, and annually thereafter on and after the first day of January, 1918, every owner of one or more motorcycles or motor vehicles in this State shall file in the office of the State Highway Department, on a blank provided by the Department, application for registration for each motorcycle or motor vehicle owned or controlled by him. Such application for registration shall state the name of the owner and his address and such brief description of such motorcycle or motor vehicle to be registered by him as may be prescribed by the State Highway Department. Each application shall be accompanied by the requisite fee for semi-annual or annual registration as provided for in this Act, which registration fee shall be for each motorcycle three (\$3.00) dollars, and for each motor vehicle other than motor vehicles intended for commercial uses, the registration fee shall be thirty-five cents per horse power as determined by the standard gauging power employed by the Association of Licensed Automobile Manufacturers, but no such motor vehicle shall be registered for a less sum than seven (\$7.50) dollars and fifty cents. Provided, for cars or vehicles attached in the form of a trailer or trailers to any motor vehicle so licensed, the Commission shall be authorized to collect fees as follows: For any trailer attached to a private or pleasure car, the annual license fee shall be two (\$2.00) dollars; for a two wheel trailer attached to any motor vehicle carrying merchandise or articles other than personal effects, the annual fee shall be five (\$5.00) dollars; and for any four wheel trailer so attached and carrying similar articles, freight or material, the annual fee shall be seven (\$7.50) dollars and fifty cents. The term "motorcycle" shall include only those motor vehicles with or without pedals and saddles and with the driver sitting astride. The term "motor vehicle" shall include all vehicles propelled by mechanical power. A commercial vehicle shall be held to include any motor vehicle carrying passengers, for hire,

or any freight carrying motor vehicle. For each commercial vehicle carrying passengers the annual registration fee shall be based upon the passenger carrying capacity per car, as follows:

3 passenger	\$15.00
5 passenger	25.00
7 passenger or more.....	50.00

For each freight carrying commercial vehicle, the annual registration fee shall be as follows: For any motor vehicle having a carrying capacity per wheel of less than 1000 pounds, the fee shall be ten (\$10) dollars; and for each such freight carrying motor vehicle having a carrying capacity per wheel in excess of 1000 pounds the rate shall be

Weight in pounds per wheel	Fee
1001 to 2000.....	\$20.00
2001 to 4000.....	40.00
4001 to 6000.....	60.00
6001 to 8000.....	150.00
8001 to 10,000.....	300.00

For loads greater than 10,000 pounds per wheel, license fees shall be charged for each vehicle at the additional rate of five hundred (\$500) dollars for each one thousand (1000) pounds increase in weight, or fraction thereof; provided, however, that no load greater than eight hundred (800) pounds per inch width of tire per wheel shall in any case be permitted; and, provided further, that no vehicle of a total gross weight of more than fourteen tons shall be licensed by the Highway Commission.

The State Highway Department shall formulate rules for the determination of weights governing license fees established herein for commercial vehicles; these rules and the rates fixed by this section for commercial vehicles may be changed by the State Highway Department; provided, that applications for license of commercial vehicles under the provisions of this section shall state whether for operation in one or more counties, naming them, and if more than one, the Department shall distribute one-half the license fee from such vehicle among the counties in which such vehicle is operated, on a mileage basis. A commercial vehicle within the terms of this Act, shall be one carrying passengers or

freight for hire. Such motor vehicles as run upon rails or tracks shall not be subject to the provisions of this Act.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Sept. 25, 1917.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Hall. McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator McNealus:

S. B. No. 38, A bill to be entitled "An Act to amend Article 598 of Chapter 8, Title XI of the Revised Penal Code of the State of Texas, and Article 5716, Title 88 of the Revised Statute of the State of Texas, so as to permit the sale in any

county or subdivision thereof, or any city or town in which the sale of intoxicating liquor has been prohibited, of wines for sacramental purposes and of alcoholic stimulants for medicinal purposes, and so as to permit the sale of ethyl alcohol by wholesale druggists to retail druggists; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator McNealus:

S. B. No. 39, A bill to be entitled, "An Act to amend Sections 6 and 7 of Chapter 31, of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, which Act was entitled 'Intoxicating liquor—Prohibiting the Shipment of same into prohibition territories,' prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; providing, however, that nothing in said Act shall make it unlawful for any person, firm or corporation licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, proprietor, agent or employe of retail drug stores, to take orders for ethyl alcohol when such sales are made in compliance with the laws of this State and providing that it shall not be unlawful for intoxicating liquors to be received for the use of his, their or its business only, by any drug stores in which drugs are propounded and employing a registered pharmacist, or by any educational or eleemosynary institution, or by any public or private hospital, or by any manufacturer or the owner or proprietor of any manufacturing establishment, or by any person, firm or corporation engaged in the wholesale drug business; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator McNealus:

S. B. No. 40, A bill to be entitled "An Act to amend Chapter 6 of Title 126 of the Revised Statutes of the State of Texas, which chapter provides for a tax on intoxicating